IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

THURSDAY, THE 4TH JANUARY 2007 / 14TH PAUSHA 1928

WP(C).No. 319 of 2007(K)

PETITIONER:

1. K.K. VIDYADHARAN, S/O. KESAVAN,
   AGED 49 YEARS, KANAPPALLIL VEEDU, KATTAPPANA KARA
   AND VILLAGE, UDUMPANCHOLA TALUK, IDUKKI DISTRICT.

2. SARASAMMA SIVANANDAN,
   NEYYASSERIYIL VEEDU, KAITHAMPAL KARA,
   ELAPPARA VILLAGE, UDUMPANCHOLA TALUK, IDUKKI DIST.

BY ADV. SRI.JOHNSON MANAYANI

RESPONDENTS:

1. IDUKKI DISTRICT DRIVERS CO-OPERATIVE
   SOCIETY LTD. (I.191), KATTAPPANA, KATTAPPANA P.O.,
   IDUKKI DISTRICT, REPRESENTED BY ITS SECRETARY.

2. INSPECTOR OF CO-OP.SOCIETIES, A UNIT,
   UDUMPANCHOLA, NEDUMKANDAM P.O., IDUKKI DISTRICT.

3. THE JOINT REGISTRAR OF CO-OPERATIVE
   SOCIETIES (GENERAL) COLLECTORATE, PAINAVU,
   IDUKKI DISTRICT.

4. REGISTRAR OF CO-OPERATIVE SOCIETIES
   (GENERAL), THIRUVANANTHAPURAM.

5. STATE OF KERALA,
   REPRESENTED BY ITS SECRETARY TO CO-OPERATION,
   SECRETARIAT, THIRUVANANTHAPURAM.

BY SENIOR GOVERNMENT PLEADER, SRI P.N.SANTHOSH FOR R3 TO R5

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.M.JAMES, J.

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W.P.(C) No. 319 of 2007 (K)

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Dated this the 4th day of January, 2007

J U D G M E N T

The writ petitioners, who defaulted the payment of loan availed by them were proceeded against by respondents 1 and 2 and Exhibit P1 award was passed by the arbitrator, finding that an amount of Rs.3,31,400/-, together with interest of 19% per annum, for the principal amount of Rs.2,00,000/- from 01/01/2006, is due from them. Exhibit P1 was passed on 29/03/2006. The writ petitioners are before this Court praying that they may be given an opportunity of one time settlement so that they could pay back the amount as per the settlement scheme.

2. I heard the learned Senior Government Pleader as well as the learned counsel for the writ petitioners.

3. In the circumstances of this case, I direct the writ petitioners to file a fresh representation before the first respondent Society, within ten (10) days from today.

4. On receipt of the above representation, the first respondent shall hear the writ petitioners and pass appropriate orders, on merit, extending them all the facilities and benefits under the one time settlement scheme, according to Circular No.59/2006, dated 30/11/2006. This shall be done within one month from the date of filing of the representation before the first respondent.

5. The writ petitioners shall abide by the orders that may be passed by the first respondent, on their representation, for an one time settlement.

6. Till a final decision is taken and an opportunity is given to the writ petitioners to comply with such orders of one time settlement passed by the first respondent, there shall be a stay of coercive steps, if any, initiated against the writ petitioners.

This writ petition is closed as above.

(J.M.JAMES)
Judge

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